

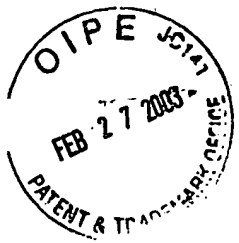
serious burden would be imposed on the examiner by examining the entire application. As required by MPEP §803.01, “[i]f the search and examination of the entire application can be made without serious burden, the examiner **must examine** it on the merits, even though it includes claims to independent or distinct invention.” See MPEP, 8<sup>th</sup> Edition, August, 2001, page 800-4 (emphasis added).

In addition, although Claim 26 in Group IV recites a fusion protein, in essence the fusion protein is merely a special form of protein complex as claimed in Group I. Applicants have amended Claim 26 to replace the phrase “fusion protein” with “protein complex.” Accordingly, the amended Claim 26 should be considered as a member of Group I, and not restricted out as a separate group. Withdrawal of the restriction requirement in this respect is requested.

Furthermore, the Restriction Requirement correctly stated that Claim 24 in Group II is drawn toward a method of making isolated protein complexes. However, in asserting that Groups I and II are distinct, the Restriction Requirement further alleges that the protein complexes can be made materially different processes, i.e., “chemical synthesis” or “recombinantly produced in cells.” See Page 3 of the Restriction Requirement. The method for making a protein complex in Claim 24 recites the steps of “**providing said first protein and said second protein**” and contacting the first protein with the second protein. Applicants note that the different processes provided in the Restriction Requirement are both part of the method of Claim 24. The restriction requirement in this respect should be withdrawn.

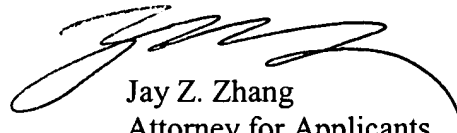
Claim 25 in Group III is directed to protein microarray having the isolated protein complexes claimed in Group I. Applicants respectfully submit that the protein complexes and microarray are intimately related, for the microarray can be considered one special form of presentation of the protein complexes. Further, the search on the protein complexes practically would suffice for the microarray claim. No serious additional burden would be incurred by examining the microarray claim and Group I together.

In view of the above amendment and remarks, Applicants respectfully request that Groups I, II, III, IV, VI, VII, and VIII be examined together on the merits. At the very least, the claims in Group I and Claim 24, Claim 25, and Claim 26 should be examined



together. Reconsideration of the restriction requirements in view of the claim amendment and the above remarks is earnestly requested.

Respectfully submitted,


  
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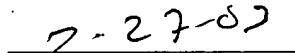
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